

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Criminal No. 13-20208
HON. Robert H. Cleland

v.

BRUCE ANTHONY O'NEAL,

Defendant.

/

PRELIMINARY ORDER OF FORFEITURE

An Indictment issued on March 14, 2013, charging Defendant BRUCE ANTHONY O'NEAL with being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1). The Indictment set forth forfeiture allegations placing defendant on notice that the government intended to seek forfeiture, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), of any firearm and ammunition used in the knowing commission of the offense.

Defendant BRUCE ANTHONY O'NEAL entered into a Rule 11 Plea Agreement ("Rule 11") in which he agreed to plead guilty to being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g), and agreed to forfeit any firearm and ammunition used in the knowing commission of the offense, including:

- One Lorcin Engineering Model L-380, semi-automatic pistol, .380 caliber, serial number 532154,
- One Smith & Wesson Model 5967, semi-automatic pistol, 9mm caliber, serial number TES4535, and
- One Remington Model 742, semi-automatic rifle, .30-06 caliber, serial number 316665

(the “Firearms”). Defendant also agreed to the Court’s entry of a forfeiture order regarding the Firearms upon application by the United States. On or about June 5, 2013, Defendant BRUCE ANTHONY O’NEAL pleaded guilty to being a felon in possession of a firearm, Count One of the Indictment.

The court finds that the Firearms have a sufficient nexus to the offense of conviction and are therefore subject to forfeiture to the United States.

NOW THEREFORE, based upon Defendant BRUCE ANTHONY O’NEAL’s acknowledgment of criminal forfeiture proceedings, Defendant’s Rule 11 Plea Agreement and guilty plea, and the information in the record,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT

1. Any and all interest of Defendant BRUCE ANTHONY O’NEAL in the Firearms **IS HEREBY FORFEITED** to the United States for disposition in accordance with the law, and any right, title or interest of Defendant BRUCE ANTHONY O’NEAL, and any right, title or interest that his heirs, successors or

assigns have or may have in the Firearms IS HEREBY AND FOREVER EXTINGUISHED.

2. The United States is hereby authorized, pursuant to Federal Rules of Criminal Procedure 32(d)(2), to conduct any discovery that the Court considers proper to help identify, locate, or dispose of any assets listed herein, to seize any assets identified herein which are not currently in the custody or control of the United States, and to begin proceedings consistent with applicable statutory requirements pertaining to ancillary hearings and the rights of any third parties.

3. Upon entry of this order, the United States shall publish on www.forfeiture.gov notice of this preliminary forfeiture order and of its intent to dispose of the Firearms in such manner as the Attorney General may direct, pursuant to 21 U.S.C. § 853(n). Said notice shall direct that any person other than the Defendant asserting a legal interest in the Firearms may file a petition with the Court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier. The petition shall be for a hearing before the Court alone, without a jury and in accordance with 21 U.S.C. § 853(n), to adjudicate the validity of the petitioner's alleged interest in the Firearm(s). The petition must be signed by the petitioner under penalty of perjury and must set forth the nature and extent of the petitioner's alleged right, title or interest in the

Firearm(s), the time and circumstances of the petitioner's acquisition of the right, title, or interest in the Firearm(s), any additional facts supporting the petitioner's claim, and the relief sought. The United States may also, to the extent practicable, provide direct written notice to any person or entity known to have an alleged interest in the Firearms.

4. Pursuant to Fed.R.Crim.P. 32.2(b)(4), this Preliminary Order of Forfeiture shall become final as to Defendant BRUCE ANTHONY O'NEAL at sentencing. If no third party files a timely claim, this Order shall become the Final Order of Forfeiture, as provided by Fed.R.Crim.P. 32.2(c)(2).

5. The Court shall retain jurisdiction to enforce this Preliminary Order of Forfeiture, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

IT IS SO ORDERED.

Dated: October 17, 2013

s/Robert H. Cleland
HONORABLE ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE